

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 12, 2004. Claims 1 to 33 are presented for examination, of which Claims 1, 7, 9 to 13 and 15 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 14 and 18 to 22 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,427,008 (Balaz) in view of U.S. Patent No. 5,631,904 (Fitser). Claims 15 to 17 have been rejected under 35 U.S.C. § 103(a) over Balaz in view of Fitser, and further in view of U.S. Patent No. 5,408,526 (McFarland). Claims 22 to 32 have been rejected under 35 U.S.C. § 103(a) over Balaz in view of Fitser, and further in view of U.S. Patent No. 5,953,400 (Rosenthal). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates to the provision of communication services. The present invention concerns providing an additional service to the called party based upon the time or amount of communication of the call. The additional service may also be based on a commonality of communication service provers between the calling party and the called party. One aspect of the present invention is the provision of additional services to the called party in the situation where the calling party of the call, and not the user who receives the call, is charged for the call. In this way, a called party is given an incentive to increase received call traffic through the communication company.

With specific reference to the claims, independent Claim 1 recites a method of providing an additional service to a user of a communication company's communication

service. The method comprises providing an additional service to the user who receives a call through the communication service of the communication company, in accordance with a communication time of the call, wherein a calling party of the call, not the user who receives the call, is charged for the call.

Similarly, independent Claim 7 is directed to a method of providing an additional service to the user who receives a call through the communication service of the communication company, in accordance with the amount of communication of the call, wherein a calling party of the call, not the user who receives the call, is charged for the call.

The applied art is not seen to disclose or suggest the features of independent Claims 1 and 7.

Balaz relates to methods and devices for billing teleconferences. The participants of Balaz's teleconference are billed at a regular rate or at a reduced rate if they qualify (column 5, line 60 - column 6, line 23). The Office Action equates the teleconference taught in Balaz with the additional service of the present invention. As such, Balaz is seen to teach providing a teleconference service where each party pays for the call. The present invention, on the other hand, provides an additional service to a user who receives a call, wherein the calling party of the call, not the user who receives the call, is charged for the call. Balaz is not seen to teach providing an additional service where the called party is not charged.

Moreover, it is difficult to accept the Office Action's premise that Balaz's teleconference somehow corresponds to the claimed "additional service". Balaz discusses only one service, i.e., the teleconference itself, and as such it seems incorrect to state that

the teleconference is "additional". In addition, the claims specify that the additional service is "provided" in accordance with a communication time (or amount of a call) whereas the Balaz teleconference is provided throughout the entire duration of the call.

The Office Action also cites Fitser as teaching various billing arrangements for billing teleconference calls, and specifically Fitser's disclosure that the person setting up the teleconference pays for the call (Fitser, column 6, lines 46 - 52). However, Fitser is not seen to teach providing an additional service to the called party in accordance with a communication time (or amount of communication) of the call, as Fitser's called parties (participants who do not set up the call) do not pay for the call. As such, the teleconference service received by Fitser's called participants are not seen to be based on a communication time or amount of communication of the call.

The remaining art applied against the claims, namely McFarland and Rosenthal, are not seen to supply what is missing from Balaz and Fitser. Accordingly, based on the foregoing amendments and remarks, independent Claims 1 and 7 are believed to be allowable.

Independent Claim 9 recites an additional-service providing apparatus used by a communication company that provides communication services. The apparatus comprises informing means for informing a user, who uses the communication services of the communication company, of a call sent to the user, and providing means for providing at least one additional service to the user in accordance with the time of communication of the call, wherein a calling party of the call, not the user who informed of the call, is charged for the call.

Independent Claim 10 recites an additional-service providing apparatus used by a communication company that provides communication services. The apparatus comprises sending means for sending a call to a user who uses the communication services of the communication company, and providing means for providing at least one additional service to the user in accordance with the amount of communication of the call, wherein a calling party of the call, not the user the call is sent to, is charged for the call.

Independent Claim 11 recites a computer program product loadable into the internal memory of a digital computer. The computer program product comprises program code portions for performing the steps of measuring a communication time of a call to a user through a communication service of a communication company, and providing an additional service to the user according to the communication time of the call measured by the program code for measuring a communication time, wherein a calling party of the call, not the user who receives the call, is charged for the call.

Independent Claim 12 recites a computer program product loadable into the internal memory of a digital computer. The computer program product comprises program code portions for performing the steps of measuring the communication amount of a call to a user through a communication service of a communication company, and providing an additional service to the user according to the communication amount of the call measured by the program code for measuring the communication amount, wherein a calling party of the call, not the user who receives the call, is charged for the call.

Independent Claim 13 recites a communication system comprising an accumulator for accumulating at least one of a communication time and an amount of

communication of a call, wherein an additional service is provided to a called party of the call according to the value of the accumulator, and wherein a calling party of the call, not the called party, is charged for the call.

Independent Claim 15 recites a communication system in which a called party is connected to a first switching office and a calling party is connected to a second switching office. The system comprises a third switching office for determining whether a communication service between the called party and the first switching office and a second communication service between the calling party and the second switching office are provided by the same communication company, and wherein at least one additional service is provided to the called party according to the determination made by said third switching office, and wherein the calling party, not the called party, is charged for a call to the called party. The additional service is provided according to the communication time or the communication amount of the call provided to the called party.

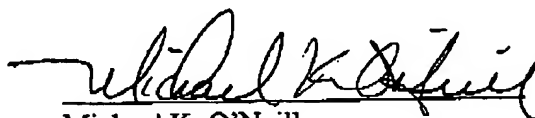
Applicant respectfully submits that the remarks in support of Claims 1 and 7 are equally applicable to Claims 9 to 13 and 15 as each claims is directed to providing an additional service to a called party, wherein the calling party, not the called party, is charged for the call.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Michael K. O'Neill  
Attorney for Applicant  
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 91978v1